UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/803,898	03/13/2001	Shinobu Kuriya	204517US6	6278

22850 7590 10/20/2004

OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER	
WINTER, JOHN M	

ART UNIT	PAPER NUMBER
3621	

DATE MAILED: 10/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/803,898	KURIYA ET AL.	
	Examiner	Art Unit	
	John M Winter	3621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *14 August 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-33, 37- 84* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *67* is/are allowed.

6)☒ Claim(s) *1,7-10, 16-19, 25-28, 37, 42-45, 50-57, 59-62, 64-66, 68, 74-77 and 82-84* is/are rejected.

7)☒ Claim(s) *2-6,11-15,20-24,29-33,38-41,46-49,58,63,69-73 and 78-81* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claims 1-33, 37- 84 remain pending.
Claims 34-36 have been canceled.

Response to Arguments

The Applicants arguments filed on August 6, 2004 have been fully considered.
The amended claims a rejected in view of the newly discovered reference Corbin (US Patent 5,138,712).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 16-19, 25-28, 37, 42-45, 53-57, 59-62, 64-66, 68, 74-77 and 82-84 are rejected under 35 U.S.C. 102(e) as being unpatentable over Stefik (US Patent No 5,715,403).

As per claim 19,
Stefik ('403) discloses an information providing apparatus comprising:
first reception control means for controlling the reception, from a first information processing apparatus, of user identification data for identifying a user of said first information processing apparatus and a request for purchasing a content;(Figure 18)
first transmission control means for controlling, in response to said request for purchasing said content, the transmission of said request for purchasing said content to a second information processing apparatus;(Figure 19)
second reception control means for controlling the reception of said content and usage conditions corresponding to said content thereof provided from said second information processing apparatus;(Figure 18)
storage control means for controlling the storing of said content and usage conditions thereof in correspondence with said user identification data; (Figure 1)

second transmission control means for controlling, if said content has been stored, the execution of the transmission of said content purchased by said user stored in correspondence with said user identification data.(Figure 1)

Claims 16,17 and 18 are in parallel with claim 19 and are rejected for at least the same reasons

As per claim 25,

Stefik ('403) discloses an information providing method comprising the steps of:

controlling the reception, from a first information processing apparatus, of user identification data for identifying a user of said first information processing apparatus and a request for purchasing a content;(Figure 18)

controlling, in response to said request for purchasing said content, the transmission of said request for purchasing said content to a second information processing apparatus;(Figure 19)

controlling the reception of said content and usage conditions corresponding to said content thereof provided from said second information processing apparatus;(Figure 18)

controlling the storing of said content and usage conditions purchased from said second information apparatus thereof in correspondence with said user identification data;(Figure 1)

controlling, if said content has been stored, the execution of the transmission of said content purchased by said user and stored in correspondence with said user identification data.(Figure 1)

Claims 26,27 and 28 are in parallel with claim 25 and are rejected for at least the same reasons.

As per claim 37,

Stefik ('403) discloses an information providing apparatus comprising:

storage control means for controlling the storing of a first content, a second content, and usage conditions thereof purchased by a user of an information processing apparatus in correspondence with user identification data for identifying a user of an information processing apparatus;(Figure 1)

reception control means for controlling the reception of a request for checking in of said first content and a request for checking out of said second content along with said user identification data sent from said information processing apparatus;(Figure 19)

check-in control means for controlling, in response to the check-in request, the checking in of said first content on the basis of said usage conditions stored in correspondence with said user identification data; and check-out control means for controlling, in response to the check-out request when the checking in of said first content has ended, the checking out of said second content on the basis of said usage conditions stored in correspondence with said user identification data.(Column 31, lines 54-64)

As per claim 42,

Stefik ('403) discloses an information providing method comprising the steps of:

controlling the storing of a first content, a second content, and usage conditions thereof purchased by a user of an information processing apparatus in correspondence with user identification data for identifying a user of an information processing apparatus(Figure 18)

controlling the reception of a request for checking in of said first content and a request for checking out of said second content along with said user identification data sent from said information processing apparatus;(Figure 19)

controlling, in response to the check-in request, the checking in of said first content on the basis of said usage conditions stored in correspondence with said user identification data; (Figure 18)

controlling, in response to the check-out request if the checking in of said first content has ended, the checking out of said second content on the basis of said usage conditions stored in correspondence with said user identification data.(Figure 1)

Claims 43 and 44 are in parallel with claim 42 and are rejected for at least the same reasons.

As per claim 53,

Stefik ('403) discloses an information providing apparatus comprising:

first reception control means for controlling the reception, from a first information processing apparatus, of user identification data for identifying a user of said first information processing apparatus and a request for purchasing a content;(Figure 18)

first transmission control means for controlling in response to said request for purchasing said content the transmission of said request for purchasing said content to a second information processing apparatus;(Figure 19)

second reception control means for controlling the reception, from said second information processing apparatus, content supply source address identifying an address of said content provided from said second information processing apparatus and usage conditions of said content;(Figure 18)

storage control means for controlling the storing of said device identification information and said usage conditions in correspondence with said user identification data; (Figure 1)

second transmission control means for controlling in response to a request from said first information processing apparatus content supply source address and said usage conditions recorded in correspondence with said user identification data to said first information processing apparatus.(Figure 1)

Claims 54, 55 and 56 are in parallel with claim 53 and are rejected for at least the same reasons.

As per claim 57,

Stefik ('403) discloses an information processing apparatus comprising:

first reception control means for controlling the reception of device content supply source address identifying an address of said content provided from an information providing apparatus for providing a content and usage conditions of said content; transmission control means for controlling, if the reproduction of said content is requested, the transmission of the request of said content to said information providing apparatus on the basis of said content supply source address identifying an address of said content provided from device identification information and said usage conditions; (Figure 18)
second reception control means for controlling the reception of said content from said information providing apparatus.(Figure 19)

As per claim 59,
Stefik ('403) discloses an information processing method comprising the steps of:
controlling the reception from a first information apparatus information, providing an cuntent supply source addressidentifying a source of said content provided from a second apparatus for providing a content and usage conditions of said content;(Figure 18)
controlling, if the reproduction of said content is requested, the transmission of the request of said content to said information providing apparatus on the basis of said device identification information and said usage conditions;(Figure 19) and
controlling the reception of said content from said information providing apparatus.(Figure 18)

Claims 60 and 61 are in parallel with claim 59 and are rejected for at least the same reasons.

As per claim 62,
Stefik ('403) discloses an information providing apparatus comprising:
first reception control means for controlling the reception, from a first information processing apparatus, of a request for purchasing a content;(Figure 18)
first transmission control means for controlling in response to said request for purchasing said content the transmission of device identification information for identifying said information providing apparatus and usage conditions of said content to said first information processing apparatus;(Figure 19)
second reception control means for controlling the reception of a request for said content from a second information processing apparatus; (Figure 18)
second transmission control means for controlling in response to said request for said content the transmission of said content to said second information processing apparatus.(Figure 19)

As per claim 64,
Stefik ('403) discloses an information providing method comprising the steps of:
controlling the reception, from a first information processing apparatus, of a request for purchasing a content;(Figure 18)
controlling in response to said request for purchasing said content the transmission of device identification information for identifying said information

providing apparatus and usage conditions of said content to said first information processing apparatus;(figure 19)

controlling the reception of a request for said content from a second information processing apparatus; (figure 18)

controlling in response to said request for said content the transmission of said content to said second information processing apparatus.(figure 19)

Claims 65 and 66 are in parallel with claim 74 and are rejected for at least the same reasons.

As per claim 68,

Stefik ('403) discloses an information providing apparatus comprising:

transmission control means for controlling the transmission of a content in response to a request from an information processing apparatus connected with a second information processing apparatus;(Figure 19)

reception control means for controlling, when said content has been transmitted, the reception, sent from said second information processing apparatus, of information for identifying a transmission destination of said content said first information processing apparatus;(Figure 18)

storage control means for controlling the storing of said information of said first information processing apparatus for identifying said transmission destination of said content in correspondence with data for identifying said content.(Figure 1)

As per claim 74,

Stefik ('403) discloses An information providing method comprising the steps of:

first transmission control means for controlling the transmission of a request for a content to an information providing apparatus connected with a second information processing apparatus;(Figure 18)

reception control means for controlling the reception of said content;(Figure 19)

second transmission control means for controlling, when said content has been received, the transmission, to said information providing apparatus, of information for identifying a transmission destination of said content transmitted to said first information processing apparatus.(Figure1)

Claims 75,76 and 77 are in parallel with claim 74 and are rejected for at least the same reasons.

As per claim 82,

Stefik ('403) discloses an information processing method comprising the steps of:

controlling the transmission of a request for a content to an information providing apparatus via second information processing apparatus connected with said information processing apparatus;(Figure 18)

controlling the reception of said content via second information processing apparatus; and controlling, when said content has been received, the transmission, to said

identification providing apparatus, of information for identifying said information processing apparatus..(Figure 19)

Claims 83 and 84 are in parallel with claim 82 and are rejected for at least the same reasons.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, 7-10, 45, and 50-52 are rejected under 35 U.S.C. 102(e) as being unpatentable over Stefik (US Patent No 5,715,403) in view of Corbin (US Patent 5,138,712).

As per claim 1,

Stefik ('403) discloses an information providing apparatus comprising:

first reception control means for controlling the reception, from a first information processing apparatus, of user identification data for identifying a user of said first information processing apparatus and a request for purchasing a content; (Figure 18)

first transmission control means for controlling in response to said request for purchasing said content the transmission of said request for purchasing said content to a second information processing apparatus;(Figure 19)

second reception control means for controlling the reception of said content and usage conditions corresponding to said content thereof supplied from said second information processing apparatus;(Figure 18)

storage control means for controlling the storing of said content and usage conditions thereof on the basis with said user identification data;(Figure 1)

third reception control means for controlling the reception of said user identification data and a request for sending said content supplied from said first information processing apparatus; and second transmission control means for controlling, in response to said request for sending said content, the transmission of said content stored in correlation with said user identification data.(Figure 18)

Stefik ('403) does not specifically disclose "usage conditions requested for purchase by said user and registering said content and said usage data conditions in correlation with said user identification data." Corbin ('712) discloses "usage conditions requested for purchase by said user and registering said content and said usage data conditions in correlation with said user identification data."(Figure 4a) It would have been obvious to one having ordinary skill in the art at the time the invention was made to

combine the Stefik ('403) method with the Corbin ('712) method in order to accumulate media usage statistics.

As per claim 7,

Stefik ('403) discloses an information providing method comprising:

controlling the reception, from a first information processing apparatus, of user identification data for identifying a user of said first information processing apparatus and a request for purchasing a content; controlling in response to said request for purchasing said content the transmission of said request for purchasing said content to a second information processing apparatus;(Figure 18)

controlling the reception of said content and usage conditions thereof supplied from said second information processing apparatus;(Figure 19)

controlling the storing of said content and usage conditions thereof corresponding to said content with said user identification data;(Figure 1)

controlling the reception of said user identification data and a request for sending said content supplied from said first information processing apparatus; (Figure 18)

controlling, in response to said request for sending said content, the transmission of said content stored on the basis of said user identification data.(Figure 18)

Stefik ('403) does not specifically disclose "usage conditions requested for purchase by said user and registering said content and said usage data conditions in correlation with said user identification data." Corbin ('712) discloses "usage conditions requested for purchase by said user and registering said content and said usage data conditions in correlation with said user identification data."(Figure 4a) It would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the Stefik ('403) method with the Corbin ('712) method in order to accumulate media usage statistics.

Claims 8 and 9 are in parallel with claim 7 and are rejected for at least the same reasons.

As per claim 10,

Stefik ('403) discloses an information processing apparatus comprising:

first transmission control means for controlling the transmission, to a first information providing apparatus, of user identification data for identifying a user of said information processing apparatus and a request for purchasing a content to make said first information providing apparatus purchase said content from a second information providing apparatus;(Figure 18)

second transmission control means for controlling the transmission, to said first information providing apparatus, of a request for said content purchased from said second information providing apparatus recorded in said first information providing apparatus in correlation with said user identification data; (Figure 19)

reception control means for controlling the reception of said content supplied from said first information providing apparatus.(Figure 18)

Stefik ('403) does not specifically disclose "when said first information providing apparatus stores said content requested by said second transmission control means and said requested content is stored in correlation with said user identification data" Corbin ('712) discloses "when said first information providing apparatus stores said content requested by said second transmission control means and said requested content is stored in correlation with said user identification data"(Figure 4a) It would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the Stefik ('403) method with the Corbin ('712) method in order to accumulate media usage statistics.

As per claim 45,

Stefik ('403) discloses an information processing apparatus comprising:

transmission control means for controlling the transmission, to an information providing apparatus, of a request for checking in of a first content and a request for checking out of a second content;(Figure 18)

check-in control means for controlling checking in of said first content on the basis of controlling by said information providing apparatus;(Column 31, lines 54-64)

check-out control means for controlling checking out of said second content supplied from said information providing apparatus when checking in of said first content has ended.(Column 31, lines 54-64)

Stefik ('403) does not specifically disclose "first content and second content being purchased from second information providing apparatus by request from a user and being stored in first information providing apparatus" Corbin ('712) discloses "first content and second content being purchased from second information providing apparatus by request from a user and being stored in first information providing apparatus" (Figure 3) It would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the Stefik ('403) method with the Corbin ('712) method in order to allow the developer of content to realize a profit from distribution of the content.

As per claim 50,

Stefik ('403) discloses an information processing method comprising the steps of:

controlling the transmission, to an information providing apparatus, of a request for checking in of a first content and a request for checking out of a second content;

controlling checking in of said first content on the basis of controlling by said information providing apparatus;(Figure 18)

controlling checking out of said second content supplied from said information providing apparatus when checking in of said first content has ended.(Figure 18)

Stefik ('403) does not specifically disclose "first content and second content being purchased from second information providing apparatus by request from a user and being stored in first information providing apparatus" Corbin ('712) discloses "first content and second content being purchased from second information providing apparatus by request from a user and being stored in first information providing apparatus" (Figure 3) It would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the Stefik ('403) method with the Corbin ('712) method

in order to allow the developer of content to realize a profit from distribution of the content.

Claims 51 and 52 are in parallel with claim 50 and are rejected for at least the same reasons.

Allowable Subject Matter

Claim 67 is allowable over the prior art record.

Claims 2-6, 11-15, 20-24, 29-33, 38-41, 46-49, 58, 63, 69-73, and 78-81 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

Examiners note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John M Winter whose telephone number is (703) 305-3971. The examiner can normally be reached on M-F 8:30-6, 1st Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James P Trammell can be reached on (703)305-9768. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JMW
October 18, 2004

JAMES P. TRAMMELL
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600